

Message Text

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ACTION ARA-14

INFO OCT-01 ISO-00 NSCE-00 SSO-00 SS-15 CIAE-00 INR-07

NSAE-00 INRE-00 L-03 PRS-01 IO-13 PM-05 SP-02

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TO SECSTATE WASHDC IMMEDIATE 7764

INFO AMEMBASSY BUENOS AIRES IMMEDIATE

S E C R E T SANTIAGO 218

E. O. 11652: GDS-1

TAGS: PBOR, AR, CI

SUBJECT: BEAGLE CHANNEL DISPUTE

REF: STATE 007082

1. SUMMARY: MEETING WITH CHILEAN FOREIGN MINISTER CARVAJAL JAN 11, I WENT OVER POINTS RAISED IN REFTEL, GETTING PREDICTABLE REPLIES. INTERESTING ASPECT, HOWEVER, IS CLOSELY HELD EXCHANGE BETWEEN CARVAJAL AND MONTES. END SUMMARY.

2. HERewith CARVAJAL'S RESPONSES TO QUESTIONS POSED BY DEPARTMENT:

-- ACCORDING TO CARVAJAL, IMPASSE IN NEGOTIATIONS OCCURRED WHEN MONTES IN HIS DEC 27 MEETING WITH CARVAJAL RENEGED ON HIS OFFER MADE DURING DEC 15 SANTIAGO TALKS. THE MONTES LINE WOULD HAVE GIVEN THE GOC SOVEREIGNTY OVER ALL ISLANDS TO THE SOUTH OF THE BEAGLE, ALBEIT WITH LITTLE MORE THAN A 12 MILE TERRITORIAL SEA (SANTIAGO 108). MONTES TOLD CARVAJAL DEC 27 THAT HE "HAD BEEN SURE THAT ARGENTINE JUNTA WOULD APPROVE IT."

-- CARVAJAL HOPES THAT THE USG WILL MAKE THREE POINTS TO THE GOA: A) TELL THEM THAT WE AND REST OF WORLD WOULD BE APPALLED IF GOA REJECTED ARBITRATION AWARD ("LIKE BREAKING A TREATY"); AND SHOCKED SHOULD IT REFUSE TO ABIDE BY 1973 ARBITRATION TREATY BETWEEN THEM; WHICH CALLS FOR WORLD COURT

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ARBITRATION; B) IT WOULD BE EVEN MORE ABHORENT TO USG SHOULD GOA USE FORCE AND DO SOMETHING RASH LIKE OCCUPY CONTESTED TERRITORY; C) BOTTOM LINE WOULD HAVE USG URGING THE GOA TO GET BACK TO NEGOTIATIONS;

-- CARVAJAL SAID THAT A DEFINITIVE SOLUTION TO THE PROBLEM REQUIRES THE GOA TO RELINQUISH CLAIMS TO ISLANDS SOUTH OF THE BEAGLE (I.E., ACCEPTANCE OF CHILE'S "INTERNAL BASE LINES")

AND RECOGNITION OF SOME MARITIME JURISDICTION PERHAPS BASED UPON SUBMARINE PLATFORM. BOTH SIDES AGREED THAT SETTLEMENT SHOULD NOT INVOLVE OR AFFECT ANTARCTIC CLAIMS;

-- CARVAJAL SAID THE GOC HAD ALSO REQUESTED GOOD OFFICES FROM BRAZIL. THE GOB HAD ACCEPTED BUT WITH THE PROVISIO THAT BOTH SIDES ASK FOR BRAZIL TO ACT, WHICH APPEARS MOST UNLIKELY.

-- THE GOC ALSO WAS CONSIDERING THE OAS OPTIONS, BUT DID NOT WANT TO GO THIS ROUTE FOR FEAR THAT THE WORLD COURT IN THE HAGUE WOULD REJECT ARBITRATION BECAUSE RECOURSE WAS TAKEN TO A REGIONAL BODY. OF COURSE, IN CASE OF CONFLICT THE GOC WOULD LOOK TO THE RIO TREATY EARLY ON.

3. I REVIEWED ADDITIONAL POINTS MADE IN REFTTEL CONCERNING POSSIBLE OAS MECHANISMS. CARVAJAL HAD OBVIOUSLY BEEN STUDYING THE OAS SITUATION TOO, BUT MAY NOT HAVE GIVEN MUCH THOUGHT TO THE IACPS ROUTE.

4. CARVAJAL THEN MENTIONED THAT MONTES HAD SENT HIM A PERSONAL MESSAGE THROUGH CHILEAN AMBASSADOR ROJAS SUGGESTING THAT HE (MONTES) MIGHT BE ABLE TO GET THE ARGENTINE JUNTA TO ACCEPT THE "MONTES LINE" IF CARVAJAL PROPOSED IT IN WRITING* THE MESSAGE ADDED THAT UNLESS THE IMPASSE WAS BROKEN THE GOA HAD DECIDED TO REJECT THE BEAGLE AWARD AT THE END OF JANUARY AND "POSSESSIVE ACTIONS (ACCIONES POSESIVOS) MIGHT FOLLOW." CARVAJAL SAID THAT THE MONTES THREAT MIGHT MEAN ONLY INCREASED ARGENTINE PATROLLING BUT IT COULD ALSO MEAN ACTUAL OCCUPATION. HE SAID THAT THE GOC HAD
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UNITS ON THE BIGGER ISLANDS (AS CONTRASTED WITH MERE OUTCROPPINGS) WHICH WOULD RESIST OCCUPATION BY FORCE. CARVAJAL SAID HE WAS NOT AS SANGUINE ABOUT THE "UNLIKELINESS" OF HOSTILITIES AS THE DEPARTMENT (THIS PICKING UP ON PONT MADE PARA 5 REFTTEL).

5. CARVAJAL SAID HE WAS INSTRUCTING ROJAS TO TELL MONTES VERBALLY THAT WHILE GOC WAS READY TO RESUME NEGOTIATIONS ON THE ISSUE, IT COULD NOT DO WHAT MONTES PROPOSED. CARVAJAL SAID PINOCHET'S REACTION HAD BEEN: "WE PUT NOTHING IN WRITING, THEY (THE GOA) HAVE ALREADY BROKEN THEIR WORD ON THIS POINT."

6. CARVAJAL ALSO SAID THAT HE HAD DRAFTED A MEMORANDUM WHICH ROJAS WILL PRESENT TO MONTES JANUARY 14. CARVAJAL PROPOSES THAT SINCE NEGOTIATIONS FAILED, HE AND MONTES SHOULD MEET TO DEFINE WHEN AND HOW THE QUESTION BE PUT TO THE WORLD COURT IN THE HAGUE FOR ARBITRATION UNDER THE 1973 AGREEMENT'S ARTICLE 4. HE EXPECTS THE GOA TO REJECT HIS PROPOSAL, THUS BEING SHOWN TO HAVE VIOLATED THE 1973 TREATY, IN ADDITION TO HAVING REJECTED THE BRITISH BINDING ARBITRATION DECISION.
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